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TAGS: [PHUM](#) [PGOV](#) [BO](#)

SUBJECT: VYACHORKA AND SIVCHIK CONVICTED WITHOUT JAIL TIME

REF: MINSK 255

Classified By: Ambassador Karen Stewart for reason 1.4 (d).

¶1. (C) Summary: Joined by several EU Heads of Mission, Ambassador observed the April 4 politically-motivated trials of Belarusian opposition party leader Vintsuk Vyachorka and human rights activist Vyacheslav Sivchik. The court convicted but released them following highly contradictory prosecution testimony. End summary.

¶2. (U) On April 4, Ambassador traveled to Minsk's Sovyetskiy Region Court to observe the politically motivated trials of opposition Belarusian Popular Front (BPF) Chair Vintsuk Vyachorka and human rights defender Vyacheslav Sivchik who faced charges of petty hooliganism and public hooliganism. (Note: Authorities originally scheduled the trial for March 23, but neither Vyachorka nor Sivchik appeared (reftel). End note.) Senior Czech, German, Italian, Latvian, Lithuanian, Polish, and OSCE diplomats also observed the proceedings. In addition, de facto Belarusian opposition coalition leader Aleksandr Milinkevich, United Civic Party Chair Anatoliy Lebedko, and several prominent civil society leaders were present to show their support for the embattled pro-democracy leaders.

¶3. (U) Vyachorka began his defense by requesting that Judge Lyudmila Savostyan recuse herself on grounds that she would be biased because she is on the EU visa ban lists from previous trial rulings. Following a 30-minute recess and the judge's refusal of Vyachorka's motion, two police witnesses gave identical statements that they had arrested Vyachorka because he had cussed in front of his young daughter on March

¶14. However, under cross-examination, the police contradicted themselves (and each other) regarding their location and proximity when Vyachorka allegedly cursed. Moreover, the officers could not agree even upon the kind of car they used to detain Vyachorka, whether Vyachorka continued to swear after they put him in the car, or even whether Vyachorka had spoken in Belarusian or Russian. Despite these inconsistencies, the judge found Vyachorka guilty but declared his alleged offense to be "insignificant" and imposed no punishment.

¶4. (C) Similarly, Judge Oksana Belyeva convicted and released Sivchik without punishment after declaring his alleged offense of public urination to be insignificant. Like Sevostyan, Belyeva ignored contradictory police testimony regarding the two officers' locations during the alleged offense and inconsistencies relating to Sivchik's booking. Moreover, under cross-examination, the senior officer was unable or unwilling to testify exactly what Sivchik allegedly had done to commit hooliganism. When Sivchik's attorney asked the policeman how he could forget

such a critical fact, the officer gruffly replied that, because he had detained so many people in the run up to the recent March 25 demonstration, he could not remember everyone he detained. (Note: Following the testimony, Sivchik showed us a formal complaint by the GOB Committee on Nationalities and Religions regarding his alleged protest activities and predicted that he would face more trials in the near future. End note.)

Comment

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¶5. (C) Vyachorka's and Sivchik's trials join a series of tragic-comic harassments of the democratic opposition. We expect more such "judicial" events in the run up to democratic opposition's congress (tentatively scheduled for April 20-21) and the April 26 Chernobyl demonstration. The Keystone Kops-like proceedings - clearly an embarrassment more for Lukashenko than for the defendants - seem to indicate that the regime's unease with opponents is not dealt with equally by all GOB institutions; KGB 'provocations' against Vyachorka and Sivchik were not supplemented by evidence of serious offenses or coordinated legal efforts.

Moore